

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Francisco Pascual, et al.,

Plaintiff(s),

21 Civ. 03333 (KMK)

-against-

Three Diamond Diner Corp., et al.,

Defendant(s).
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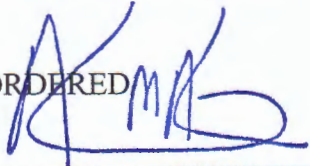
Order Declaring Case Eligible For Mediation

Karas, Kenneth M.

To the Clerk of Court:

1. This case is determined to be eligible for mediation as to all issues.
2. The entire mediation process is confidential. The parties and the Mediator may not disclose information regarding the process, including settlement terms, to the Court or to third persons unless all parties agree. The identity of the Mediator is not to be disclosed even to the Court. However, persons authorized by the Court to administer or evaluate the mediation program may have access to information necessary to administer or evaluate the program and parties, and counsel and mediators may respond to confidential inquiries or surveys by said persons authorized by the Court to administer or evaluate the mediation program.
3. The mediation process shall be treated as a compromise negotiation for purposes of the Federal Rules of Evidence and state rules of evidence. The Mediator is disqualified as a witness, consultant, attorney, or expert in any pending or future action relating to the dispute, including actions between persons not parties to the mediation process.
4. Entry of this case into the Court's mediation program shall not be deemed to change any timetable set by the Court contained in a scheduling order or otherwise governing the completion of discovery, motion practice or trial date.
5. With respect to the assigned mediator, the parties respectfully request that a mediator be assigned who has specific expertise in Fair Labor Standards Act and New York Labor Law wage and hours matters.

SO ORDERED



Kenneth M. Karas
United States District Judge

Dated: August 30, 2021
White Plains, New York